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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/720,892      | 06/20/2002  | Roland Andree        | Mo-6081/LeA 33,132  | 7139             |

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EXAMINER

FORD, JOHN M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

1624

DATE MAILED: 08/06/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

04/720892

Applicant(s)

Andree

Examiner

J M Ford

Group Art Unit

1624

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 7-17-03
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-10, 15, 18 and 19 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-10, 15, 18 and 19 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

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Applicant's response of July 14, 2003, is noted.

The claims in the application are claims 1—10, 15, 18 and 19.

Claim 1 is rejected.

This is a very crowded art. The last lines of claim 1 cannot be allowed.

"Where, in the event that n is greater than 1, each X in the individual compounds can independently also have different meanings selected from those indicated."

This is taken to mean X may be whatever applicants need it to be at the time they wish it. These last few lines of claim X are open to the inclusion of unknowns, not supported by 35 U.S.C. 112, 2<sup>nd</sup> or 1<sup>st</sup> paragraphs.

n being 5 stretches the imagination in regard to support and steric hindrance. There would be no room, on the benzene, for 5 large X molecules; Particularly since X is open to anything, when n is greater than 1.

The compound of claim 8 of U.S. Patent 6,455,409 is included in the claims here. (35 USC 102/103).

Claims 1—10, 15, 18 and 19 are rejected under, being unpatentable over the claims of U.S. patent 6,333, 296; compare the claims.

Since X here may be anything, the claims of U.S. Patent 6,451,740 overlap here, too.

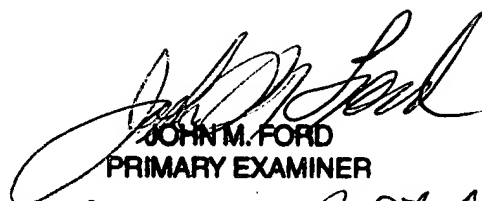
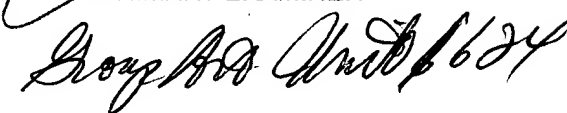
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Applicants need to consider if they can maintain a <sup>c</sup>line of demarcation between these patents, or if they wish an Interference.

Two patent may not Issue to the same thing, see Rule 603, without an Interference, even if the Patent is Junior.

John M. Ford:jmr

August 4, 2003

  
JOHN M. FORD  
PRIMARY EXAMINER  
  
George A. Ford Unit 1624